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PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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PCT
Patent Operations
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NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

02.03.2005

Applicant's or agent's file reference
PF030004

IMPORTANT NOTIFICATION

International application No.
PCT/EP 03/51051

International filing date (day/month/year)
18.12.2003

Priority date (day/month/year)
06.01.2003

Applicant

THOMSON LICENSING S.A. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference PF030004	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/51051	International filing date (day/month/year) 18.12.2003	Priority date (day/month/year) 06.01.2003
International Patent Classification (IPC) or both national classification and IPC H04N5/38		
Applicant THOMSON LICENSING S.A. et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 7 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 09.07.2004	Date of completion of this report 02.03.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Moorhouse, D Telephone No. +49 89 2399-8631 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/51051

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-9 as published

Claims, Numbers

1-6 as published

Drawings, Sheets

1/5-5/5 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-6
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-6
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

2. Citations and explanations

see separate sheet

Concerning Box V

The following document is cited:

D1 : FR-A-2 697 699

The subject-matter of claims 1 to 6 lacks an inventive step. Claims 1 to 6 therefore do not meet the requirement set out in Article 33 (3) PCT.

In detail, document D1 discloses:

A system for receiving channels in a domestic environment comprising a retransmission base to amplify channels captured at a point in the said domestic environment and retransmit them to a plurality of digital receivers present in the said environment (see Figure 4, for example), wherein

- each digital receiver (49_N) comprises means for generating and transmitting at least one channel amplification request (84),
- the said retransmission base (44) comprises amplification means to amplify N channels (see Figure 10 and associated description passages), N being greater than or equal to 2 and less than the maximum number of channels received at the point in said domestic environment (see page 24, lines 9 to 13), and means for controlling the amplification means to determine the channels to be amplified according to the channel amplification requests received (idem and page 23, lines 1 to 11).

Thus, the subject-matter of claim 1 differs from the disclosure of document D1 merely by the use of priority levels for the channel reamplification requests. This difference is, however, of no inventive significance. It has been known for a very long time in the computing field, to name just one technical field, to deal with conflicts for limited resources by allocating different priorities to different requests / requesters for resources. Moreover, similar ways of dealing with conflicts have been known for centuries in the world of business. Thus, it would hardly require the exercise of inventive skill to suggest, on reading document D1, that the requests for amplification be allocated priorities, thus arriving at the subject-matter of present claim 1.

The additional features of claim 2 relate to one obvious way of realising the remote

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controller 82 in Figures 8C and 8D of document D1.

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The additional features of claim 3 are rendered obvious by page 23, lines 1 to 11 of document D1.

The additional features of claim 4 are rendered obvious by Figure 10 and associated description passages of document D1.

The additional features of claim 5 are rendered obvious by Figures 10 and 6 and 7 together with associated description passages of document D1.

The additional features of claim 6 are rendered obvious by document D1, Figure 4; page 1, lines 3 to 6; and page 20, line 11 to page 12, line 30.

The remaining documents in the International Search Report are of less relevance to the claimed subject-matter:

US-A-5 708 961

Retransmission system which cherry picks and remultiplexes selected channels into a transport stream which is then spread spectrum modulated and retransmitted. No mention of reamplification or of priorities therefor.

US-A-5 613 191

Similar to US-A-5 708 961. Concentrates on the remultiplexing and wireless distribution aspects, and there is no mention of reamplification or of priorities therefor.

EP-A-1 271 937

Relates to the band rejection filtering way of retransmitting. A bank of six selectable filters is provided, to filter out frequencies which could interfere with local analogue broadcast signals. Only one reamplifier and no priorities.

WO-A-01/80547

Relates to home data distribution using a forward / down channel which is broad band and has a high data rate, and a return / up channel which is narrow band and has a low data rate. No reamplification or priorities therefor.

US-A-5 946 322

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Client server environment with independent forward and reverse channels operating at different speeds, e.g. in CATV or cellular or wireless networks. No reamplification or priorities therefor.